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 CINTAS CORPORATION

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UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA  
 SAN FRANCISCO DIVISION

ROBERT RAMIREZ, ROBERT  
 HARRIS, LUIS POCASANGRE  
 CARDOZA, JOSE SALCEDO, A.  
 SHAPPELLE THOMPSON,  
 CORETTA SILVERS (formerly  
 VICK), SANDRA EVANS, BLANCA  
 NELLY AVALOS, JAMES MORGAN  
 and ANTHONY JONES, on behalf of  
 themselves and all others similarly  
 situated,

Plaintiffs,

vs.

CINTAS CORPORATION,

Defendant.

EQUAL EMPLOYMENT  
 OPPORTUNITY COMMISSION,

Plaintiff/Intervenor.

CASE NO. C04-0281-JSW

[RELATED TO CASE NO. C05-03145-JSW]

**JOINT STIPULATION OF DISMISSAL  
 OF PLAINTIFF CORETTA VICK'S  
 (AKA CORETTA SILVERS)  
 INDIVIDUAL CLAIMS WITH  
 PREJUDICE AND HER PUTATIVE  
 CLASS CLAIM ON BEHALF OF  
 CURRENT AND FORMER AFRICAN  
 AMERICAN NON-EXEMPT  
 EMPLOYEES (EXCEPT SSR'S) WITH  
 RESPECT TO PAY WITHOUT  
 PREJUDICE AND [PROPOSED]  
 ORDER**

Date: December 14, 2007  
 Time: 9:00 a.m.  
 Dept: Courtroom 2, 17<sup>th</sup> Floor  
 Hon. Jeffrey S. White

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10 Attorneys for Plaintiffs ROBERT RAMIREZ, et al.  
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**RECITALS**

WHEREAS, on August 3, 2005, Plaintiff Coretta Vick aka Coretta Silvers (“Vick”) filed her Fourth Amended Complaint (“FAC”) asserting claims on behalf of herself and as a putative class representative for certain present and former employees of Defendant Cintas Corporation (“Cintas”);

WHEREAS, in the FAC, Vick individually asserted claims under the Civil Rights Act of 1866, 42 U.S.C. §1981, as amended by the Civil Rights Act of 1991 (“Section 1981”), and Title VII of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000e, *et seq.*, as amended (“Title VII”), specifically contending that Cintas paid Vick a lower hourly rate than white non-exempt office and clerical coworkers because of her race (black) (FAC ¶ 12);

WHEREAS, in the FAC, Vick sought to assert claims as a class representative on behalf of African American current and former non-exempt employees in Cintas’ Rental Division who allegedly have been subjected to discriminatory compensation practices and paid less than similarly situated non-African American employees in violation of Section 1981 and Title VII (FAC ¶¶ 45-46, 48(e), 83(e); Joint Case Management Statement and Order Pursuant to Civil Local Rule 16-9, filed June 10, 2005, at 20);

WHEREAS, Vick is the only remaining named Plaintiff who has asserted class claims on behalf of any African American current and former non-exempt employees in Cintas’ Rental Division who allegedly have been subjected to discriminatory compensation practices and paid less than similarly situated non-African American employees in violation of Section 1981 and Title VII, other than the claims asserted by James Morgan on behalf of African American SSR’s;

1 WHEREAS, on March 22, 2005, this Court ordered Vick to arbitrate her  
2 claims and stayed this action as to her claims pending completion of an arbitration  
3 proceeding in this judicial district;

4  
5 WHEREAS, the parties thereafter commenced arbitration, *inter alia*, of  
6 Vick's claims before The Honorable Eugene Lynch (Ret.), who has issued a clause  
7 construction award but has not commenced proceedings on the merits of Vick's claims;

8  
9 WHEREAS, Vick hereby dismisses with prejudice all of her individual  
10 claims alleged in the FAC;

11  
12 WHEREAS, Vick thus is not an adequate class representative for any form  
13 of relief sought on behalf of the putative class of African American current and former  
14 non-exempt employees in Cintas' Rental Division who allegedly have been subjected to  
15 discriminatory compensation practices and paid less than similarly situated non-African  
16 American employees in violation of Section 1981 and Title VII, as described in  
17 paragraphs 45-46, 48(e) and 83(e) of the FAC;

18  
19 WHEREAS, Vick has agreed to withdraw as a class representative and  
20 seeks the Court's permission to dismiss without prejudice her claims on behalf of the  
21 putative class of African American current and former non-exempt employees in Cintas'  
22 Rental Division who allegedly have been subjected to discriminatory compensation  
23 practices and paid less than similarly situated non-African American employees in  
24 violation of Section 1981 and Title VII, as described in paragraphs 45-46, 48(e) and 83(e)  
25 of the FAC, but not dismiss the claims asserted by James Morgan on behalf of African  
26 American SSR's, in exchange for Cintas' waiver of its right to recover costs against Vick  
27 pursuant to Federal Rule of Civil Procedure 54(d); and  
28

1 WHEREAS, the parties have agreed that Plaintiffs' counsel will not include  
 2 any attorneys' fees or costs incurred as part of maintaining Vick's individual claims or the  
 3 class claims Vick has asserted, should they later apply for an award of attorneys' fees or  
 4 costs in this litigation. However, if Plaintiffs or Plaintiffs' counsel apply for an award of  
 5 attorneys' fees and costs, this stipulation will not preclude them from asserting that some  
 6 portion of the time spent on the class claims asserted by Vick should be allocated to  
 7 another claim on which Plaintiffs prevailed (for example, the claims asserted by James  
 8 Morgan on behalf of African American SSR's, if Plaintiffs prevail on those claims); and  
 9 nothing in this stipulation will preclude Defendant from asserting any legal arguments in  
 10 opposition to such an allocation.

# 11

## 12 **STIPULATION**

### 13

14 THE PARTIES, BY AND THROUGH THEIR COUNSEL, HEREBY  
 15 STIPULATE AS FOLLOWS:

16  
 17 1. Plaintiff Coretta Vick dismisses with prejudice all of her individual  
 18 claims asserted in the FAC for discrimination in violation of Section 1981 and Title VII;

19  
 20 2. Plaintiff Vick withdraws as the named, representative plaintiff and  
 21 dismisses without prejudice her claims on behalf of the putative class of African  
 22 American current and former non-exempt employees in Cintas' Rental Division who  
 23 allegedly have been subjected to discriminatory compensation practices and paid less than  
 24 similarly situated non-African American employees in violation of Section 1981 and Title  
 25 VII, as described in paragraphs 45-46, 48(e) and 83(e) of the FAC, other than the claims  
 26 asserted by James Morgan on behalf of African American SSR's;

1           3. All claims in the FAC alleging that African American current and  
2 former non-exempt employees in Cintas' Rental Division have been subjected to  
3 discriminatory compensation practices and paid less than similarly situated non-African  
4 American employees in violation of Section 1981 and Title VII and all claims for relief  
5 for such discrimination are hereby dismissed without prejudice, except the claims asserted  
6 by James Morgan on behalf of African American SSR's;

7  
8           4. Plaintiffs' counsel will not include any attorneys' fees or costs  
9 incurred as part of maintaining Vick's individual claims or the class claims Vick has  
10 asserted, should they later apply for an award of attorneys' fees or costs in this litigation.  
11 However, if Plaintiffs or Plaintiffs' counsel apply for an award of attorneys' fees and  
12 costs, this stipulation will not preclude them from asserting that some portion of the time  
13 spent on the class claims asserted by Vick should be allocated to another claim on which  
14 Plaintiffs prevailed (for example, the claims asserted by James Morgan, if Plaintiffs  
15 prevail on those claims); and nothing in this stipulation will preclude Defendant from  
16 asserting any legal arguments in opposition to such an allocation; and

17  
18           5. Cintas waives its right to recover costs against Plaintiff Coretta Vick  
19 after the dismissal of her individual and putative class claims as permitted by Federal Rule  
20 of Civil Procedure 54(d).

1 DATED: October 30, 2007

Respectfully submitted,

2 By: /s/ Roberta L. Steele  
3 ROBERTA L. STEELE

4 Morris J. Baller  
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19 *Counsel for Plaintiffs Robert Ramirez, et al.*

20 DATED: October 30, 2007

21 By: /s/ Nancy L. Abell  
22 NANCY L. ABELL

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*Counsel for Defendant Cintas Corporation*

**ORDER**

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3           **BASED ON THE PARTIES' STIPULATION AND GOOD CAUSE**  
4 **APPEARING THEREFORE, this Court DISMISSES WITH PREJUDICE Plaintiff**  
5 **Coretta Vick's individual claims that Cintas has discriminated against her in violation of**  
6 **Section 1981 and Title VII.**

7  
8           This Court further finds that Plaintiff Coretta Vick is not an adequate class  
9 representative and may not represent the alleged class of African American current and  
10 former non-exempt employees in Cintas' Rental Division who contend they have been  
11 subjected to discriminatory compensation practices and paid less than similarly situated  
12 non-African American employees in violation of Section 1981 and Title VII, as described  
13 in paragraphs 45-46, 48(e) and 83(e) of the FAC;

14  
15           This Court further finds that Plaintiff Coretta Vick is the only remaining  
16 named, representative plaintiff on behalf of the putative class of African American current  
17 and former non-exempt employees in Cintas' Rental Division who allegedly have been  
18 subjected to discriminatory compensation practices and paid less than similarly situated  
19 non-African American employees in violation of Section 1981 and Title VII, as described  
20 in paragraphs 45-46, 48(e) and 83(e) of the FAC and that Plaintiff seeks dismissal without  
21 prejudice of these putative class claims, but not the class claims filed by James Morgan on  
22 behalf of African American SSR's. On this basis the Court DISMISSES WITHOUT  
23 PREJUDICE all claims in the FAC alleging that African American current and former  
24 non-exempt employees in Cintas' Rental Division have been subjected to discriminatory  
25 compensation practices and paid less than similarly situated non-African American  
26 employees in violation of Section 1981 and Title VII and all claims for relief for such  
27 discrimination, but not the class claims filed by James Morgan on behalf of African  
28 American SSR's.



1           The Court also finds that Plaintiffs' counsel is not entitled to recover any  
2 amount in attorneys' fees and costs attributable to pursuing Vick's individual claims  
3 herein or her class claims in the FAC alleging that African American current and former  
4 non-exempt employees in Cintas' Rental Division have been subjected to discriminatory  
5 compensation practices and paid less than similarly situated non-African American  
6 employees in violation of Section 1981 and Title VII.

7  
8           The parties have agreed that Plaintiffs' counsel will not include any  
9 attorneys' fees or costs incurred as part of maintaining Vick's individual claims or the  
10 class claims Vick has asserted, should they later apply for an award of attorneys' fees or  
11 costs in this litigation. However, if Plaintiffs or Plaintiffs' counsel apply for an award of  
12 attorneys' fees and costs, this stipulation and order will not preclude them from asserting  
13 that some portion of the time spent on the class claims asserted by Vick should be  
14 allocated to another claim on which Plaintiffs prevailed (for example, the class claims  
15 filed by James Morgan on behalf of African American SSR's, if Plaintiffs prevail on those  
16 claims); and nothing in this stipulation and order will preclude Defendant from asserting  
17 any legal arguments in opposition to such an allocation.

18  
19           Finally, the Court finds that Cintas may not recover costs against Plaintiff  
20 Coretta Vick as it would be otherwise permitted by Federal Rule of Civil Procedure 54(d).

21  
22           IT IS SO ORDERED.

23  
24           DATED December 14, 2007

25             
26           HONORABLE JEFFREY S. WHITE  
27           United States District Judge  
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